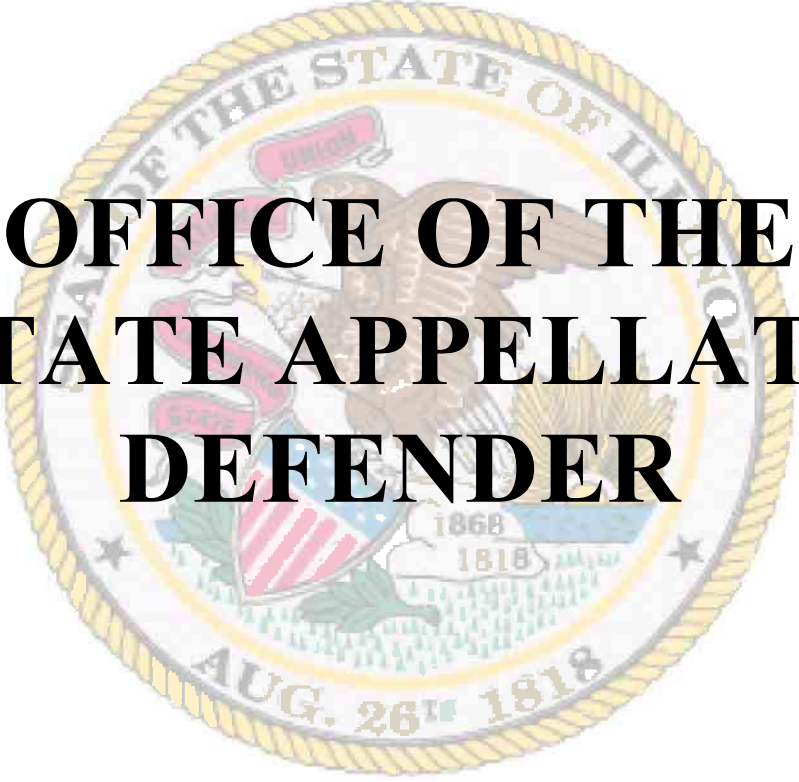


# Annual Report Fiscal Year - 2013

The seal of the State of Illinois is a circular emblem. It features a central bald eagle with its wings spread, perched on a shield with red and white stripes. Above the eagle's head is a banner with the word "DELIBERATE". The eagle is flanked by two stars. The outer ring of the seal contains the text "OFFICE OF THE STATE OF ILLINOIS" at the top and "AUG. 26<sup>TH</sup> 1818" at the bottom. The years "1868" and "1818" are also visible within the seal's design.

## **OFFICE OF THE STATE APPELLATE DEFENDER**

**MICHAEL J. PELLETIER**

**STATE APPELLATE DEFENDER**

## **ANNUAL REPORT FISCAL YEAR-2013**

### **INDEX**

	<b><u>Page</u></b>
<b>I. Fiscal Year-2013 Activities</b>	<b>1</b>
<b>II. The Agency</b>	
<b>A. Introduction</b>	<b>6</b>
<b>B. Historical Background</b>	<b>7</b>
<b>C. Work of the Agency</b>	<b>12</b>
<b>III. Offices of the Agency</b>	<b>15</b>
<b>IV. Personnel</b>	<b>19</b>
<b>V. Board of Commissioners</b>	<b>29</b>
<b>VI. Statistics for Fiscal Year-2013</b>	<b>35</b>

## **I. FISCAL YEAR- 2013 ACTIVITIES**

On October 1, 2012, the Office of the State Appellate Defender marked its 40th Anniversary. The State Appellate Defender Act was signed into law by Governor Richard Ogilvie on August 18, 1972, and became effective on October 1, 1972. Each of the five district offices and the Administrative office individually observed the 40th anniversary with an office function.

Bishop James A. Wilkowsi of the Evangelical Catholic Diocese of the Northwest nominated the Office of the State Appellate Defender as one of the 2012 honorees to receive the Saint Joseph the Worker Award in recognition of the work of our agency in assisting citizens seeking expungement from past offenses in order to begin their lives anew. Expungement attorney Chris Fischer accepted this Award on behalf of the Office of the State Appellate Defender.

Fourth District Assistant Appellate Defender Jacqueline Bullard was the recipient of the National Juvenile Defender Center's 2012 Robert E. Shepard, Jr. award for excellence in juvenile defense. The award was presented at the National Juvenile Defender Center's annual conference and honored Ms. Bullard for her work in the juvenile justice community in Illinois, her work with the Office of the State Appellate Defender juvenile appellate pilot project, and her recent Illinois Supreme Court win in In re Austin M.

The Fifth District Deputy Jo Beth Weber was elected Jefferson County Circuit Court judge in November. Ellen Curry was appointed to succeed Jo Beth Weber as Deputy, and she assumed the position on January 2, 2013. Ms. Curry had clerked for the Fifth District Appellate Court for 17 years, was a former public defender and had been in private practice.

Effective December 1, 2012, First District Assistant Appellate Defender Laura Weiler, who has been with the agency for 11 years, was promoted to a newly created position, Director of Training. In this position, Ms. Weiler will work to improve

training for new hires, provide in-house seminars and increase the utilization of the many available legal resources resulting in more efficient and effective representation of our clients. She will also coordinate our training programs for public defenders throughout the State.

On December 13, 2012, Auditor General William Holland issued the audit report for the Office of the State Appellate Defender for Fiscal Years 2011-2012. There were no audit findings.

### **Board of Commissioners**

The Illinois Supreme Court appointed attorney Rebecca Janowitz to a six-year term as its representative on our Board of Commissioners. Ms. Janowitz succeeded Judge David R. Donnersberger. The Fourth District Appellate Court appointed McLean County Public Defender Kim D. Campbell as Judge Scott Drazewski's successor. The Third District appointed Gary A. Dobbs as its representative to replace David Reid Clark.

A Board of Commissioners' meeting was conducted on Friday, September 21, 2012, in the First District office in Chicago. At the meeting, the Board approved the FY-2013 Operating Budget of \$20,611,400 which represented an almost 5% decrease from the FY-2012 budget. This budget allowed the agency to continue current operations, fill some attorney vacancies and essential support staff positions, and provide a training program for public defenders. It did not allow for the Juvenile Defender Resource Center and the law student intern program.

On February 22, 2013, the Board of Commissioners met in the First District office in Chicago. The Board approved the Proposed Budget for FY-2014 in the amount of \$21,597,300 which would allow the agency to be fully staffed and increase the current pay plan for all positions. It also would fund the Expungement Unit, the public defender training program, the Juvenile Defender Resource Center and the law student intern program.

Additionally, the Board approved the nominating committees' recommendations for the Gottfried, Haddad and Hughes awards. The recipients were:

**Theodore A. Gottfried Award**

Carol M. Chatman, Legal Secretary in the First District Office,  
Vinette Mistretta, Legal Secretary in the Second District Office,  
Sue Mateer, Administrative Assistant, in the Administrative Office.

**James B. Haddad Award**

Heidi Linn Lambros, Assistant Appellate Defender in the First District Office,  
Steven E. Wiltgen, Assistant Appellate Defender in the Second District Office,  
Mark D. Fisher, Assistant Appellate Defender in the Third District Office.

**Patrick J. Hughes, Jr. Award**

Paul J. Glaser, Assistant Deputy Defender/Supervisor in the Second District Office  
Josette Skelnik, Supervisor in the Second District Office,  
Arden J. Lang, Supervisor in the Fourth District Office.

**Committees**

The State Appellate Defender, Michael J. Pelletier, continued to serve on the Commissions, Boards and Task Forces for which he is statutorily designated as a member. He attended the quarterly meetings of the Illinois Criminal Justice Information Authority as a Board member. He continued to attend the meetings of the Risk, Assets and Needs Task Force, the Adult Redeploy Illinois Oversight Board and the Sentencing Policy Advisory Council. In October he attended the meeting of the newly formed Illinois Juvenile Justice Leadership Committee.

**Seminars**

With the support of the agency, the Illinois Public Defender Association 2012 Fall Seminar was presented on October 12 & 13, 2012, at the Springfield Hilton. The seminar offered a total of 8 MCLE credit hours, including 5.5 credits for professionalism, and

featured Illinois Supreme Court Chief Justice Thomas Kilbride as the dinner speaker. The seminar was attended by 171 people, including 130 public defenders from 48 Illinois counties and 28 assistant appellate defenders from the Office of the State Appellate Defender.

The Office of the State Appellate Defender again in partnership with the Illinois Public Defender Association conducted a one-day regional seminar at Loyola University Chicago School of Law on Friday, November 9, 2012. The seminar, “Teamwork on Trial: Investigator Testimony-A Joint Attorney/Investigator Seminar,” featured attorney-investigator workshops and emphasized the necessity and methodology of building teamwork.

For the 29th consecutive year, the Illinois Public Defender Voir Dire Workshop and Intensive Trial Advocacy Program was held at the IIT Chicago-Kent College of Law in Chicago. The week-long program, geared specifically to provide Illinois public defenders with high-quality training in basic defense advocacy skills, commenced on the 50th anniversary of the U.S. Supreme Court’s Right to Counsel decision in Gideon v. Wainwright (March 18, 1963).

The conference, which was held from March 18-22, 2013, was attended by 35 participants representing 20 Illinois counties including Boone, Champaign, Cook, DeKalb, DuPage, Grundy, Jo Daviess, Kane, Kankakee, Lake, Madison, Marion, McLean, Sangamon, Stephenson, Tazewell, Union, Vermilion, Will and Winnebago. Again this year, from the public defender training budget, the Office of the State Appellate Defender provided the \$450 registration fee for all 35 registrants and the travel and lodging expenses for 18 of those participants from distant counties who otherwise would not have been able to attend.

The Illinois Public Defender Association presented its 2013 IPDA Spring Seminar on April 26 & 27, 2013, at the Springfield Hilton. The seminar was attended by 168 people, including 129 public defenders from 44 counties and 23 attorneys from the Office of the State Appellate Defender.

## **Caseload Statistics**

In Fiscal Year-2013, the agency was appointed to 3245 new cases, 73 more than Fiscal Year-2012. During Fiscal Year-2013, the agency disposed of 2916 cases, 93 fewer cases than Fiscal Year 2012. The decrease was a result of vacancies and large number of maternity and paternity leaves of absence.

	<u><b>FY-12</b></u>	<u><b>FY-13</b></u>
Appellate Court Briefs	1747	1645
Illinois Supreme Briefs	28	17
Anders Briefs Granted	468	435
Motions to Withdraw or Dismiss Granted	515	510
Summary Motions Filed	<u>251</u>	<u>309</u>
Total Dispositions	3009	2916

## **Intranet Site**

Established in Fiscal Year-2008, the agency continues to use the OSAD Information Center as the primary tool for communicating to agency staff information including legal work, legal resources, human resources, fiscal matters and general policies and practices. The agency's extensive use of the site supports the State's "Go Green" initiatives.

## **Internet Web Site**

During Fiscal Year-2013, the agency, with the assistance from Central Management Services (CMS), created a new web site that is much easier for the public to navigate. The site provides information regarding training programs and publications (including the *Illinois Criminal Law Digest*, *Handbook on Brief Writing and Oral Argument*, Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years).

The agency completely revised the Expungement section of the site, adding easy to follow questionnaires which allow anyone to determine whether or not he or she is eligible to expunge or seal his or her record.

The agency also made a major commitment to provide public defenders with a place on the site entitled, "Public Defender Resource Center," to discuss issues, ask questions and share resources and documents. The PD Resource Center should be available to public defenders by October 1, 2013. The Appellate Defender site is located at <http://www.ilinois.gov.osad>

### **Illinois Criminal Justice Information Authority Grants**

During Fiscal Year-2013, the agency was the recipient of one grant from the Illinois Criminal Justice Information Authority.

#### **Specialized Defense Initiatives formerly Systemic Sentencing Appeals Cases -**

In October 2003, the agency began receiving a grant continuing the employment of a unit of assistant appellate defenders to work exclusively on sentencing issues. In FY-2013 the grant in the amount of \$205,621, of which \$151,623 were federal funds, continued to provide funding for three attorneys.

[Top](#)

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## **II. THE AGENCY**

### **A. Introduction**

The Office of the State Appellate Defender is a State of Illinois agency created by the State Appellate Defender Act (725 ILCS 105). The primary function of the agency is stated in §105/10 of the Act:

*"The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State."*



The Office of the State Appellate Defender does not initiate or generate the criminal appeals it handles. Criminal appeals are brought by defendants convicted of crimes and the Agency does not appear as counsel on an appeal until appointed to do so by a court, which makes the determination that the defendant is indigent and qualifies for the agency's services.

Pursuant to the State Appellate Defender Act (§105/9), the agency maintains an office in each of the five Judicial, or Appellate Court, Districts in Illinois. There is an Appellate Court and an Appellate Defender District Office in Chicago, Elgin, Ottawa, Springfield and Mt. Vernon. The agency has its Administrative Office in Springfield. Each District Office has a Deputy Defender who is responsible for the administration and supervision of that office.

In 1986, the Office of the State Appellate Defender was nominated to receive the Clara Shortridge Foltz Award. This award is given jointly by the American Bar Association and the National Legal Aid and Defender Association for outstanding achievements in providing criminal defense services by a defender office. The award is named for the founder of the nation's public defender system. In October 1986, the Office of the State Appellate Defender was presented the Clara Shortridge Foltz Award for "dedicated service and outstanding achievements in the delivery of criminal defense services." The Agency received numerous letters in support of its nomination.

[Top](#)

## **B. Historical Background**

In 1956, the United States Supreme Court held that the State of Illinois had the constitutional obligation to provide a trial court transcript, without cost, to indigent defendants for criminal appeals (*Griffin v. Illinois*, 351 U.S. 12). In 1963, the Court held that indigent defendants had the constitutional right to have an attorney appointed to represent them in their criminal appeals. (*Douglas v. California*, 372 U.S. 353; *Milani v. Illinois*, 386 U.S. 12). In 1985, the Court further held that there is a constitutional right to the effective assistance of counsel in a criminal appeal. (*Evitts v. Lucey*, 469 U.S. 387).

The Illinois Constitution provides for the right to appeal (Art. VI, §6) and this right has been implemented by both legislation (725 ILCS 5/121-13, 725 ILCS 105/1) and Illinois Supreme Court Rules (Rules 607 and 605).

In the late 1960's, a statewide survey funded by the Illinois Law Enforcement Commission was conducted by the Illinois Public Defender Association to ascertain the

needs of indigent criminal defendants in Illinois. This study, which included personal interviews with judges, State's Attorneys and defense lawyers, found that there was an urgent need for experienced, qualified lawyers in criminal appeals, including a need to change the manner in which lawyers for indigent criminal appeals were provided. In an attempt to meet some of the needs disclosed by the study, the Illinois Law Enforcement Commission awarded a grant, effective January 1, 1970, to create the Illinois Defender Project. This grant provided for regional appellate defender offices in the Second, Third, Fourth, and Fifth Judicial, or the Appellate Court, Districts. During its three years of existence, the Illinois Defender Project was appointed in about 2,000 criminal appeals and maintained a consistently excellent record of performance.

In an attempt to continue the work of the Illinois Defender Project and meet the need for appellate counsel in criminal appeals, a bill was introduced in the Illinois Legislature to create a state-wide Appellate Defender Office. This bill, the "State Appellate Defender Act," was signed into law by Governor Ogilvie on August 18, 1972, and became effective on October 1, 1972. The Illinois Supreme Court appointed Theodore A. Gottfried as the first State Appellate Defender in December 1972, and he had been reappointed every four years thereafter. He retired after 35 years on December 31, 2007.

The Office of the State Appellate Defender presently represents virtually all indigent criminal appellants in Illinois. If the Office of the State Appellate Defender is not appointed to represent an indigent defendant in a criminal appeal, the respective counties are required to pay the cost for appointed counsel on appeal.

In a criminal appeal, the Office of the State Appellate Defender serves on the defense side of the case, as the counterpart of the Illinois Attorney General's Office (which represents the prosecution in the Illinois Supreme Court), the State's Attorney's Appellate Prosecutor, and the various State's Attorneys.

### **Capital Cases**

From June 21, 1977, to June 30, 2011, a statute allowing the imposition of the death penalty was in effect in Illinois. This statute, as well as the Illinois Constitution and Illinois Supreme Court Rules, required an automatic appeal to the Illinois Supreme Court in all cases in which a person was sentenced to death. The representation of a person sentenced to death was an awesome responsibility, requiring extraordinary legal

knowledge and meticulous preparation. The consequences of less than the highest quality of legal representation were obvious and irreversible.

The United States Supreme Court pointed out that the death penalty is not merely a more severe sentence, but it is an entirely different kind of sentence, requiring special procedures. For example, Chief Justice Burger, in *Lockett v. Ohio*, 438 U.S. 586 (1978), stated: "We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed."

The Illinois Legislature also recognized the substantial difference between the death penalty and other criminal penalties. The death penalty statutes required unique sentencing procedures, including a hearing before a jury, an eligibility phase at which a statutory aggravating factor must be proved beyond a reasonable doubt, an aggravation-mitigation phase at which the jury is required to weigh all aggravating evidence and all mitigating evidence, and the imposition of the death sentence only by a unanimous jury verdict. Additionally, the Illinois Supreme Court treated death penalty cases differently by providing for automatic perfection of such appeals, allowing appointment of two lawyers giving priority to death penalty cases over all others, and by permitting a death sentence to be carried out only by final order of the Supreme Court.

Appeals in death penalty cases were more difficult and time consuming than non-capital appeals. Capital cases usually consisted of records which were extremely large, frequently containing thousands of pages. Most capital cases involved lengthy jury trials, with many motions, objections and evidentiary disputes. The jury selection procedure in most capital cases was much longer because the prospective jurors were "death penalty qualified," and the parties were entitled to twice as many peremptory challenges.

The sentencing hearing in capital cases was similar to a trial itself. It was usually held before a jury (whereas sentencing hearings in other cases are not) and generally involved the calling of numerous witnesses and lengthy testimony pertaining to the entire background of the defendant. Additionally, capital sentencing hearings contained many motions and arguments concerning the interpretation and application of the death penalty statute, constitutional issues, and questions concerning the type of aggravation and mitigation evidence that may have been introduced.

In non-capital appeals there is rarely an issue pertaining to the selection of the jury and seldom more than a single issue concerning sentencing; however, in capital cases there were numerous issues involving the selection of the jury and the sentencing hearing.

The difference in difficulty between capital and non-capital appeals can be illustrated by the written decisions of the Illinois Supreme Court. In capital cases, unless the Court reversed the case on a single issue or two, the opinions were normally twenty pages or more -- sometimes thirty or forty pages. In non-capital cases, the Supreme Court opinions are usually less than ten pages. For example, in non-capital criminal cases decided by the Court in 1986, only two opinions were more than ten pages and twelve opinions were six pages or less. Additionally, the Supreme Court generally issues opinions in non-capital cases in the term of court immediately following the term in which the case was orally argued. In capital cases, due to their difficulty, the opinions were usually issued at least three or four terms later.

The Office of the State Appellate Defender recognized and confronted the difficult and unique responsibility of representing individuals sentenced to death. In 1977 the agency initiated a procedure to assure the highest quality of representation for all clients sentenced to death. A group of six experienced agency lawyers was organized to become thoroughly knowledgeable of all aspects of the death penalty. This death penalty group engaged in extensive research, kept abreast of court decisions and legislation dealing with the death penalty, prepared numerous detailed memorandums, and organized a large amount of materials. The materials prepared and assembled by the death penalty group proved to be extremely valuable in assisting lawyers and saving them many hours of research time in the handling of death penalty cases at both the trial and appeal level.

It was originally envisioned that the death penalty group of lawyers would handle, quickly and effectively, all death penalty appeals to which the agency was appointed. However, due to the time and difficulty involved in such appeals and the increase in agency appointments, it became clear that this group of lawyers could not handle all of the death penalty cases. Thus, death penalty appeals were assigned to various experienced lawyers in the agency's district offices, with two lawyers assigned to each case.

## **Supreme Court Unit**

In Fiscal Year-1983, the agency received funding to establish a Supreme Court Unit. This Unit, a separate office similar to a District Office, was located in Springfield and was assigned to and had the primary responsibility for death penalty cases. The lawyers in the Supreme Court Unit handled death penalty appeals and maintained a thorough knowledge of death penalty matters as well as assisted other Agency lawyers who were assigned to death penalty appeals. On March 9, 2011, Governor Pat Quinn signed legislation to abolish the death penalty effective July 1, 2011. As a result of the abolition of the death penalty, the Supreme Court Unit closed its doors on April 15, 2011.

## **Capital Trial Assistance Unit**

The Capital Trial Assistance Unit (formerly known as the Death Penalty Trial Assistance Unit) came into existence on January 1, 2000. It was created by an amendment to the State Appellate Defender Act, providing that the State Appellate Defender may in cases where a death sentence was an authorized disposition, provide trial counsel with the assistance of legal counsel, expert witnesses, investigators and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly 725 ILCS 105/10(c)(5). The mission of this office was to ensure that indigent defendants facing the death penalty received the assistance of zealous, dedicated attorneys armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. As a result of the abolition of the death penalty, the Capital Trial Assistance Unit, with offices in Chicago, Springfield, and Belleville, also closed its doors on April 15, 2011.

## **Capital Post-Conviction Unit**

The Supreme Court Committee on Post-Conviction Representation in Death Penalty Cases presented its final report to the Supreme Court in November 1988. The report recommended a new division of the State Appellate Defender to coordinate and provide support to appointed lawyers who provide representation in these cases.

In the Fall Session of 1989, legislation was passed and funds were appropriated by the State of Illinois and the Federal Government to establish the Capital Resource Center. The Capital Resource Center recruited and maintained a panel of private attorneys willing to represent death row inmates in post-conviction proceedings. Illinois attorneys responded enthusiastically to participating on the Panel of Attorneys. Federal funding for the Capital Resource Center ceased in Fiscal Year-1996. As a result, the office was renamed the Capital Litigation Division of the Office of the State Appellate Defender. Effective January 1, 2005, the Capital Litigation Division was renamed the Post Conviction Unit, and on May 1, 2008, the Post Conviction Unit was renamed the Capital Post-Conviction Unit. Although the death penalty was abolished effective July 1, 2011, and the governor commuted the sentences of the 15 individuals sentenced to death, the Office of the State Appellate Defender received state funds for FY-2012 to complete work on what were then non-capital post-conviction cases. On June 30, 2012, at the conclusion of FY-2012, the Capital Post-Conviction Unit was closed.

[Top](#)

## **C. Work of the Agency**

### **Generally**

Any indigent defendant convicted of a felony or a Class A misdemeanor or other offense in which imprisonment is imposed, and any minor adjudicated as delinquent, is entitled to the services of the Office of the State Appellate Defender upon appointment by a court. The appeal process normally commences when the defendant files a notice of appeal in the Circuit Court. The Record on Appeal is then prepared. The Record on Appeal includes a verbatim transcript of the proceedings (such as testimony of witnesses, arguments of counsel, rulings by the judges, etc.) and all documents filed in the case (such as indictments or information, written motions, jury instructions and verdicts, etc.).

Upon the agency's appointment as appellate counsel, the appeal is assigned to an Assistant Appellate Defender. This lawyer must then read the entire Record on Appeal in order to become totally familiar with all of the proceedings which occurred in the Circuit Court - ranging from pre-trial matters, the trial itself, post-trial motions, and the sentencing stage. Occasionally, certain portions of the record are missing and the lawyer must obtain

such missing portions. In order to ensure that no possible legal issue is overlooked, the lawyer interviews the client and communicates with the trial lawyer. Additionally, pursuant to Supreme Court Rule 607, the Agency has the responsibility of delivering a copy of the Record on Appeal to the client.

After a complete and careful reading of the Record on Appeal, the lawyer must note and research every potential legal issue which might be raised on appeal. Once the issues, along with the authority in support of the issues, are decided upon, the lawyer begins the preparation of the appellant's opening brief. The brief must include several specific sections, which are required by Ill.Sup.Ct. Rules 341 and 342 - Points and Authorities, Nature of the Case, Issues Presented for Review, Jurisdiction, Statutes Involved, Statement of Facts, Argument, Conclusion and Appendix. The preparation of the brief requires a thorough understanding of the Circuit Court proceedings - pleadings, motions, objections, rulings, testimony, exhibits, and arguments, contained in the Record on Appeal (the transcript is often lengthy because about 200 typewritten pages are required for each day of trial). The appellant's brief is required to contain a complete and accurate description of all facts relevant to the appeal. Additionally, legal arguments in the brief must be supported by the citation and discussion of authority, such as statutes, decisions of the Illinois Supreme and Appellate Courts, decisions of the United States Supreme Court, or decisions of courts in other jurisdictions.

When a draft of the brief is completed, it is reviewed by the Deputy Defender or a Supervisor. The reviewing lawyer reads the draft brief to ensure that it contains all relevant facts and covers every possible legal argument and legal authority accurately and in proper form. The reviewer may suggest that changes be made. Upon final review and approval by the reviewer, the brief is prepared in final form and filed in the reviewing court.

When a conscientious examination of the Record on Appeal and thorough research reveal that any issues that could be raised on appeal are wholly frivolous and without merit, the agency files an *Anders* brief. Such a brief, named after the decision in *Anders v. California*, 386 U.S. 738 (1967), requests permission to withdraw from the appeal and includes a supporting document explaining the facts and legal authorities concerning why

there are no arguable appellate issues. Before an *Anders* brief is filed, the appeal is subjected to intensive review to ensure that it is, in fact, meritless. Every year, there are *Anders* briefs filed by the agency.

After the agency's opening appellant brief is filed, the prosecution then prepares an appellee's brief. Following the filing of the appellee's brief, the agency lawyer may file a reply brief, which responds to the arguments and authorities presented by the prosecution in the appellee's brief.

Once the briefs have been filed, an appeal may then be scheduled for oral argument. After oral argument, the appeal is then taken under advisement and a written opinion or order is prepared by the court.

Following the decision of the Appellate Court, either party may file a Petition for Rehearing and may ultimately seek review in the Illinois Supreme Court by filing a Petition for Leave to Appeal. When the Supreme Court grants a Petition for Leave to Appeal, additional briefs are usually required and oral argument is presented. After oral argument, the case is taken under advisement and a written opinion or order is prepared. A Petition for Rehearing may then be filed by either party.

To ensure that agency clients receive high quality and prompt representation, the Agency has implemented lawyer productivity standards. Every document filed by agency lawyers is expected to be "of the highest quality, filed in a timely manner, and in full compliance with applicable court rules." (Office of the State Appellate Defender, Policies and Procedures Manual (2009) Ch. 37, A, 4 a.) Additionally, the agency has implemented "Minimum Work Standards." (Policies and Procedures Manual (2009) Ch. 37, A, 4 b.)

### **Expungement Unit**

Created by statutes 20 ILCS 2630/11 and 725 ILCS 105/10.6, the Expungement Unit provides information on the expungement and sealing process to eligible



ex-offenders. General instructions, all necessary court forms and links to other useful information are all available on the agency web site. These forms and instructions will undergo considerable revision in FY-2014; the revised information will continue to be available on the Agency web site.

The Expungement Unit also maintains a toll-free hotline, as well as email availability for those seeking information on expungement and sealing. As of July 31, 2012, the Unit is staffed by a single attorney (Chicago office) and a legal secretary (Springfield Office). Telephone calls and e-mails addressed to the Springfield office are forwarded to the Chicago office.

[Top](#)

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### **III. OFFICES OF THE AGENCY**

#### **A. Administrative Office**

The Administrative Office of the agency is located at 400 West Monroe, Suite 202, in Springfield. The Administrative Office provides supervision and assistance to the agency's offices and maintains the agency records, such as payroll, purchasing, inventory and employee personnel files. The Administrative Office prepares and distributes various materials which record and assist the work of the agency. Such materials include: a comprehensive Annual Report; detailed monthly and annual statistics; the *Illinois Criminal Law Digest* (a summary of significant court decisions available monthly on our intranet site to agency lawyers and on our web site to public defenders); the *Illinois Handbook of Criminal Law Decisions* (a summary of hundreds of court decisions arranged under more than 400 topics and published in cooperation with the Illinois State Bar Association); an Employee Manual; the *Handbook on Briefs and Oral Arguments*; as well as other educational and training materials. The Administrative Office also maintains an electronic brief bank containing the briefs filed by agency lawyers.

**B. First District Office**

The First District Office of the Agency is located at 203 North LaSalle, 24<sup>th</sup> Floor in Chicago. Alan D. Goldberg is the Deputy Defender.

During Fiscal Year-2013, the First District Office received appointment to 1516 cases and filed 915 Appellate Court briefs, 278 Petitions for Leave to Appeal to the Illinois Supreme Court, 9 Illinois Supreme Court briefs, 4 Seventh Circuit Court Briefs, 7 Petitions for Writ of Certiorari to the United States Supreme Court, 222 Anders briefs, 49 Motions to Withdraw, 181 Motions to Dismiss and 112 Summary Motions. Oral argument was held in 77 Appellate Court cases, 16 Illinois Supreme Court cases, and 3 Seventh Circuit Court cases.

**C. Second District Office**

The Second District Office is located at One Douglas Avenue, 2<sup>nd</sup> Floor in Elgin. Thomas A. Lilien is the Deputy Defender.

During Fiscal Year-2013, the Second District Office received appointment to 521 cases and filed 225 Appellate Court briefs, 39 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 1 Petition for Writ of Certiorari to the United States Supreme Court, 78 Anders briefs, 17 Motions to Withdraw, 41 Motions to Dismiss and 62 Summary Motions. Oral argument was held in 54 Appellate Court cases and 2 Illinois Supreme Court cases.

**D. Third District Office**

The Third District Office is located at 1100 Columbus in Ottawa. Peter A. Carusona is the Deputy Defender.

During Fiscal Year-2013, the Third District Office received appointment to 461 cases and filed 132 Appellate Court briefs, 18 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 58 Anders briefs, 14 Motions to

Withdraw, 55 Motions to Dismiss and 31 Summary Motions. Oral argument was held in 20 Appellate Court cases and 3 Illinois Supreme Court cases.

**E. Fourth District Office**

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. Karen Munoz is the Deputy Defender.

During Fiscal Year-2013, the Fourth District Office received appointment to 525 cases and filed 258 Appellate Court briefs, 60 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 62 Anders briefs, 20 Motions to Withdraw, 106 Motions to Dismiss and 81 Summary Motions. Oral argument was held in 19 Appellate Court cases and 5 Illinois Supreme Court cases.

**F. Fifth District Office**

The Fifth District Office is located at 909 Water Tower Circle in Mt. Vernon. Johannah B. Weber was the Deputy Defender until her resignation on November 30, 2012. Ellen Jenkins Curry was appointed the Deputy Defender effective January 1, 2013.

During Fiscal Year-2013, the Fifth District Office received appointment to 222 cases and filed 112 Appellate Court briefs, 20 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court Brief, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 19 Anders briefs, 7 Motions to Withdraw, 22 Motions to Dismiss and 23 Summary Motions. Oral argument was held in 37 Appellate Court cases and 1 Illinois Supreme Court case.

**G. Expungement Unit**

The Expungement Unit, now in its 10<sup>th</sup> year, experienced a major loss with the departure of stand-out attorney Joshua D. Carter on July 31, 2012. Attorney Carter's dedication and proficiency reflected great credit on the Unit and the Agency. His

contributions are greatly missed. Since August 1, 2012, the Unit has been staffed by one attorney and one legal secretary.

In general, requests for information about expungement, sealing and other remedies decreased during Fiscal Year-2013. Calls to the remaining hotline (Chicago) decreased from 2574 to 2089. The Unit's emphasis on downloading information from the Agency website instead of providing hard copies resulted in a significant decrease in mailings, down 1981 packets to 4349 for the year. This figure includes 90 juvenile packets and 51 Identity Theft kits. In addition, the number of brochures requested decreased from 5125 to 3010.

Of particular interest is the increase in the number of newly generated e-mails. Fiscal Year-2013 saw an average of 30 e-mail inquiries per day, for a total of 7159. This increase may be attributed to more than one factor: A 29% increase in the number of speaking engagements conducted around the state (62 in FY-2012 to 80 in FY-2013) and a widely publicized amendment to the Criminal Identification Act (20 ILCS 2630/5.2 *et seq*), broadening the available relief to include Class 3 and Class 4 felony convictions.

In addition, the attorney for the Unit is a member of the Illinois Supreme Court Access to Justice Commission Expungement Forms Subcommittee which has made significant changes to the forms and instructions that will be used state-wide. The new forms remove much of the legal jargon which made the process so intimidating to the pro se litigant. Among other innovations, the new forms will allow more than one case to be put on a single petition, resulting in great financial savings for the petitioner.

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[Top](#)

#### **IV. PERSONNEL**

##### **ADMINISTRATIVE OFFICE**

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MICHAEL J. PELLETIER  
State Appellate Defender

Mr. Pelletier received his Juris Doctor from the John Marshall Law School in 1976 and was admitted to the Illinois Bar that year. He was employed as an Assistant Defender in the Third District Office of the State Appellate Defender from 1976 until 1978. He transferred to the First District Office of the State Appellate Defender in 1978 and was employed as an Assistant Appellate Defender until 1987. Mr. Pelletier was appointed Deputy Defender of the First District Office in September 1987. Theodore A. Gottfried, after serving 35 years as the State Appellate Defender, retired on December 31, 2007. The Illinois Supreme Court appointed Mr. Pelletier the State Appellate Defender, effective January 1, 2008, to a four-year term expiring December 31, 2011, and in December 2011 reappointed him to a second four-year term expiring December 31, 2015.

He is a member of the Illinois Criminal Justice Information Authority, currently serving on the Legislative and Appeals Committees. Mr. Pelletier is also a member of the Sentencing Policy Advisory Council; the Adult Redeploy Illinois Oversight Board; the Risks, Assets and Needs Assessment Task Force; the Illinois Juvenile Justice Leadership Committee; the Illinois State Bar Association and past member of the Criminal Justice Section Council of the Illinois State Bar Association; the National Legal Aid and Defender Association; the American Council of Chief Defenders of the NLADA; the Appellate Lawyers Association and past Board member of the Appellate Lawyers Association. He served as a commissioner on the Criminal Law Edit Align and Rewrite (CLEAR) Commission and the Illinois Disproportionate Justice Impact Study Commission.

Mr. Pelletier is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals from the Seventh Circuit, and the United States Court for the Northern District of Illinois.

DAVID P. BERGSCHNEIDER  
Deputy State Appellate Defender

Mr. Bergschneider is a 1976 graduate of Marquette University Law School and served as a legislative aide through the Illinois Legislative Staff Internship Program. In 1977, he joined the Office of the State Appellate Defender, where he served as an Assistant Appellate Defender until 1993, when he was named Legal Director. In 2008, he became Deputy State Appellate Defender.

Since May 1992, he has edited the *Illinois Criminal Law Digest*. In addition, he is an author of the *Illinois Handbook of Criminal Law Decisions*, a joint publication of the Office of the State Appellate Defender and the Illinois State Bar Association. In June 2004, the Illinois State Bar Association awarded Mr. Bergschneider the Virgil E. Tipton Jr. Publications Award for his work on the Handbook.

He is also co-author of the *Handbook on the Preparation of Briefs and Oral Arguments* and has contributed to several handbooks published by the Illinois Institute for Continuing Legal Education. Mr. Bergschneider has also written *amicus curiae* briefs in two United States Supreme Court cases, is a former editor of the Illinois Attorneys for Criminal Justice newsletter, and has been a frequent contributor to newsletters for the Illinois State Bar Association Criminal Justice Section, the Illinois Attorneys for Criminal Justice and the National Legal Aid and Defender Association.

He served two terms on the Criminal Justice Section Council of the Illinois State Bar Association, including a term as Chairman. He was a member of the Criminal Justice Section Council Committee on a Long-Term Solution for Funding Criminal Appeals.

He served on the Long Term Prisoner Study Committee of the Illinois Legislature and on the Illinois Integrated Justice Information System Governing Board.

He has lectured at CLE programs sponsored by the Illinois State Bar Association, Illinois Public Defender Association, Illinois Attorneys for Criminal Justice, Cook County Public Defender's Office, Office of the State Appellate Defender, Administrative Office of the Illinois Courts, and Wisconsin Public Defender. He is a recipient of the Illinois Public Defender Association Award for Excellence and Meritorious Service, and in 1996 was named a Distinguished Scholar of Marquette University.

PATRICIA UNSINN  
Deputy State Appellate Defender

Ms. Unsinn received her Juris Doctor from DePaul University School of Law in 1974 and was admitted to the Illinois bar that same year. She was in private practice with Howard T. Savage from 1974 until 1977. She began employment with the First District Office as an Assistant Appellate Defender in 1977, became a supervisor in 2002, and the Assistant Deputy Defender in 2004. Ms. Unsinn was appointed Deputy Defender of the First District Office in January 2008. On June 1, 2010, she was appointed Deputy State Appellate Defender.

Ms. Unsinn is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals from the Seventh Circuit, and the United States District Court for the Northern District of Illinois

TONYA JANECEK  
Chief Fiscal Officer/Human Resource Director

Ms. Janecek joined the Office of the State Appellate Defender in July 1981 as a Fiscal Assistant in the Administrative Office. Ms. Janecek was appointed Chief Fiscal Officer on February 1, 1997. As Chief Fiscal Officer, Ms. Janecek is responsible for the coordination of all expenditures and vouchering procedures. She is also responsible for the preparation and filing of required fiscal and budgetary reports. As Human Resource Director, Ms. Janecek oversees the HR Department in the preparation of payroll and providing benefits information to agency employees.

LAURA A. WEILER  
Director of Training

Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame where she graduated with honors. She worked as an Assistant Appellate Defender for 11 years in the First District office and on December 1, 2012, she was promoted to Director of Training for the Office of the State Appellate Defender.

Ms. Weiler has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County. In 2012, Ms. Weiler received the James B. Haddad Award in recognition of her consistent high quality work and advocacy and her significant contributions to the improvement of the justice system.

In FY-2013, the Administrative Office was staffed by twenty persons including the State Appellate Defender, two Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, a Director of Support Services, an IT Director, one Network/Applications Manager, three Support Specialists, a Senior Human Resource Assistant, a Human Resource Assistant, a Senior Fiscal Assistant, two Fiscal Assistants, a Project Assistant to the Director of Support Services, a Senior Administrative Assistant, an Administrative Assistant, and a Docket Clerk.

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## **FIRST DISTRICT OFFICE**

Office of the State Appellate Defender  
203 North LaSalle, 24<sup>th</sup> Floor  
Chicago, IL 60601  
312/814-5472  
FAX 312/814-1447

ALAN D. GOLDBERG  
Deputy Defender

Mr. Goldberg received his Juris Doctor from the University of Illinois College of Law in 1976 and was admitted to the Illinois bar that same year. He worked with the Second District office as an intern in 1975 and as an Assistant Appellate Defender from



1976 until 1978 and then transferred to the First District office in 1978. He became a supervisor in 2002 and the Assistant Deputy Defender in 2008. Mr. Goldberg was appointed Deputy Defender of the First District Office effective June 1, 2010.

Mr. Goldberg is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals from the Seventh Circuit, and the United States District Court for the Northern District of Illinois.

In FY-2013, the First District Office was staffed by 122 persons including the Deputy Defender, the Assistant Deputy Defender who also serves as a Supervisor, nine additional Attorney Supervisors, seventy-nine full-time Attorneys, twelve part-time Attorneys, a Director of the Paralegal Department, a Senior Paralegal, three Paralegals, an Office Administrator, six Secretaries, four Docket Clerks, and four Office Clerks.

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## **SECOND DISTRICT OFFICE**

Office of the State Appellate Defender  
One Douglas Avenue, 2<sup>nd</sup> Floor  
Elgin, IL 60120  
847/695-8822  
FAX 847/695-8959

THOMAS A. LILIEN  
Deputy Defender

Mr. Lilien received his Juris Doctor from Notre Dame Law School in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender as an Assistant Appellate Defender in the Third District Office in October 1978 and worked there until his transfer to the Second District Office in 1988. Mr. Lilien continued to serve as an Assistant Appellate Defender until he assumed the Deputy Defender position as of January 1, 2006.

Mr. Lilien is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1986; the program provides student interns to the Second and Third District Offices. He is also a member of

the Board of Directors of the Illinois Institute for Continuing Legal Education and the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

In FY-2013, the Second District Office was staffed by twenty-eight persons, including the Deputy Defender, an Assistant Deputy Defender, one other Supervisor, sixteen full-time Assistant Appellate Defenders, three part-time Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and three Legal Secretaries.

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### **THIRD DISTRICT OFFICE**

Office of the State Appellate Defender  
1100 Columbus Street  
Ottawa, IL 61350  
815/434-5531  
FAX 815/434-2920

PETER A. CARUSONA  
Deputy Defender

Mr. Carusona received his Juris Doctor from Illinois Institute of Technology Chicago-Kent College of Law in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender in the Third District Office in March 1978. Mr. Carusona became a supervisor in October 2008 and was appointed as Deputy Defender of the Third District Office in November 2010.

Mr. Carusona is admitted to practice before the United States Supreme Court and the Illinois Supreme Court. He has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1988; the program provides student interns to the Second and Third District Offices.

In FY-2013, the Third District Office was staffed by twenty persons, including the Deputy Defender, an Assistant Deputy Defender who also serves as a Supervisor, one other Supervisor, twelve full-time Assistant Appellate Defenders, an Office Administrator, one Paralegal, and three full-time Legal Secretaries.

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## **FOURTH DISTRICT OFFICE**

Office of the State Appellate Defender  
400 West Monroe, Suite 303  
Post Office Box 5240  
Springfield, IL 62705-5240  
217/782-3654  
FAX 217/524-2472

**KAREN MUNOZ**  
Deputy Defender

Karen Munoz received her Juris Doctor from St. Louis University School of Law in 1975 and was admitted to the Illinois Bar that same year. She has spent her entire legal career with the Office of the State Appellate Defender, having interned in the Fifth District office in Mt. Vernon, Illinois, in the summer of 1974 and joining the Fourth District office in Springfield, Illinois, as an Assistant Defender in 1975. She was the Assistant Deputy Defender from February 2008 until her appointment as Deputy Defender in July 2010.

Ms. Munoz is admitted to practice in the Illinois Supreme Court, the United States District Court for the Central District of Illinois, and the United States Court of Appeals for the Seventh Circuit. In 2007, she received the James B. Haddad Award in recognition of superb legal representation, dedicated service to clients, and improvement of the criminal justice system.

In FY-2013, the Fourth District Office was staffed by twenty-six persons, including the Deputy Defender, an Assistant Deputy Defender/Supervisor, two Supervisors, thirteen full-time Assistant Appellate Defenders, two part-time Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and four Legal Secretaries.

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## **FIFTH DISTRICT OFFICE**

Office of the State Appellate Defender  
909 Water Tower Circle  
Mt. Vernon, IL 62864  
618/244-3466  
FAX 618/244-8471

**JOHANNAH B. WEBER**  
Deputy Defender through November 30, 2012

Jo Beth Weber received her Bachelor of Social Work and Juris Doctorate degrees from the University of Illinois in Champaign-Urbana, Illinois. She received Honors in Legal Research & Legal Writing from the University of Illinois College of Law.

Ms. Weber clerked for the Jefferson County State's Attorney where she conducted bench trials with her 711 license. After law school, she was initially employed as a staff attorney for the State Appellate Prosecutor. For over 15 years, Ms. Weber clerked for four appellate court judges on the Fifth District Appellate Court. Ms. Weber was also Associate General Counsel for Southern Illinois University in Carbondale, Illinois, before accepting the position of Deputy Defender in July 2009.

**ELLEN JENKINS CURRY**  
Deputy Defender effective January 1, 2013

Ellen Jenkins Curry graduated with a juris doctorate from the SIU School of Law in May 1986. She was admitted to practice that year and began work as a solo practitioner in her hometown of Benton, IL, and also served as an assistant Franklin County Public Defender, handling traffic, juvenile, misdemeanor, and felony cases.

In December 1992, Ms. Curry began working as a law clerk for Justice William A. Lewis of the Fifth District Illinois Appellate Court. When Justice Terrance J. Hopkins was elected in 1994, Ms. Curry began working for him as a law clerk, where she remained through December 2002. On January 2, 2003, Ms. Curry resumed private practice in Benton, IL, specializing in appellate practice and serving as a Special Franklin County Public Defender, again handling traffic, juvenile, misdemeanor, and felony cases. In December 2006, she began working as a law clerk for Justice Bruce D. Stewart of the Fifth

District Illinois Appellate Court. She worked there until appointed to serve as the Deputy of the Fifth District Office of the State Appellate Defender on January 1, 2013.

Ms. Curry is licensed to practice before the United States Supreme Court, the Illinois Supreme Court, the Seventh Circuit Court of Appeals, and the United States District Court for the Southern District of Illinois.

In FY-2013, the Fifth District Office was staffed by seventeen persons, including the Deputy Defender, Assistant Deputy Defender, ten Assistant Appellate Defenders, a Paralegal, an Office Administrator, and three full-time legal secretaries.

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## **EXPUNGEMENT UNIT**

Office of the State Appellate Defender  
PO Box 64895  
Chicago, IL 60664-0895  
866/787-1776  
FAX 312/793-2278

**JOSHUA D. CARTER**  
Staff Attorney until July 31, 2012

Mr. Carter is a 2001 graduate of the University of Illinois College of Law. Following a law school internship with the Office of the State Appellate Defender, Mr. Carter joined the Fourth District office as an Assistant Appellate Defender. He left in May 2003 to become Assistant Corporation Counsel for the City of Springfield and Legal Advisor to the Springfield Police Department. In December 2006, Mr. Carter rejoined the agency as a Staff Attorney for the Expungement Unit in Springfield. He also serves as an adjunct instructor in criminal law at Lincoln Land Community College.

**CHRISTIE FISCHER**  
Staff Attorney

Before completing her education, Ms. Fischer served for six years in the United States Army. Fischer graduated *magna cum laude* from Barat College with a B.A. in history in 2002. She graduated Chicago-Kent College of Law in 2005. While attending

law school, she was the managing editor of *The Journal of International and Comparative Law* and worked for two years as an intern in the Criminal Law Clinic. Ms. Fischer joined the Office of the State Appellate Defender, Expungement Division, in November 2005. She speaks frequently to ex-offenders, community groups, probation departments, bar associations, and veterans associations about expunging and sealing of criminal records. She is the author of a chapter on Criminal Identity Theft in the 2010 IICLE publication, "Illinois Criminal Records: Expungement and Other Relief," and in 2012 edited the chapter on Juvenile Expungement in the same publication. She also authored "From the Guillotine to Lethal Injections: Evolution of Execution" which appeared in the September 2007 issue of the CBA Record. She is a member of the Lake County Coalition to Reduce Recidivism, serves on the Board of Directors of The Educational Institute for Civil Rights and Services, Inc., and is a member of the Illinois Supreme Court Access to Justice Commission Expungement Forms Subcommittee. She has continued to expand the Unit's outreach efforts to include such groups as the Inner City Muslim Action Network, the Illinois Department of Rehabilitative Services and the Illinois Youth Court Association. Ms. Fischer is a member of the American Bar Association, The Illinois State Bar Association, and the Chicago Bar Association.

For the first month of FY-2013 the Expungement Unit was staffed by two Staff Attorneys and one Legal Secretary. Staff Attorney Joshua D. Carter left the agency on July 31, 2012. After that date, the Expungement Unit was comprised of one Staff Attorney and one Legal Secretary.

[Top](#)

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## **V. BOARD OF COMMISSIONERS**

**CHAIR - THOMAS M. BREEN**, born Evanston, Illinois, January 24, 1947, admitted to bar, 1972, Illinois; 1979, U.S. District Court, Northern District of Illinois; 1992, U.S. District Court, Central District of Illinois. **Education:** University of Notre Dame (A.B., 1969); Loyola University (J.D., 1972). Recipient: American Bar Association Pro Bono Public Award, 1996; Public Interest Law Institute, Distinguished Public Service Award, 1996; Mexican American Legal Defense and Education Fund, Legal Service Award, 1996. Assistant State's Attorney, Cook County, 1972-1978. Special Assistant State's Attorney, Livingston County, 1978-1981, 1984. Appointed, Illinois Supreme Court Committee on Criminal Jury Instructions, 1988-1992. Recipient, Illinois Public Defender Association of Excellence, 1990, Illinois Association of Criminal Defense Lawyers Lifetime Achievement Award, 2012. **Member:** Chicago (Member, Judicial Evaluation Committee, 1984-1989; 1991-1996) and American (Member, Sections on: Criminal Justice; Litigation) Bar Associations; National Association of Criminal Defense Attorneys; National Directory of Criminal Defense Lawyers. Fellow, American College of Trial Attorneys. (Commissioned U.S.A.R., 1972; Captain, 1978); Best Lawyers in America (1995 to present); Super Lawyers (2005-present). Presenter at various MCLE courses. **PRACTICE AREAS:** Criminal, Trial Practice; Appellate Practice; Attorney Discipline; Professional Practices.

**KIM D. CAMPBELL** is an attorney with 20 years of experience practicing law and has been McLean County's Chief Public Defender since July 2, 2010. Prior to that appointment, Ms. Campbell served as McLean County's First Assistant State's Attorney for eight years. Ms. Campbell graduated from Illinois State University in 1990 and earned her juris doctorate from Chicago-Kent College of Law in 1993. Prior to returning to McLean County in 1995, she worked in private firms practicing criminal defense. She has past experience in criminal appeals work for the Second District State Appellate Defender's Office. Ms Campbell is also an adjunct professor at Illinois State University currently teaching Legal Writing and has also taught Criminal Law for several years at Illinois State University and at Lincoln College. She is a frequent guest lecturer at community events, clubs and schools. Ms Campbell is a past President of the McLean County Juvenile Justice Council; a member of the Board of Governors of the McLean County Bar Association; a member of the McLean County Drug Court team; a member of the Recovery Starts today Board; past member of MAPP (Minority and Police

Partnership); and a member of the Executive committee of the Criminal Justice Coordinating Council.

**DAVID REID CLARK** - (Commissioner through February 2013) - Mr. Clark graduated from Southern Illinois University in 1971 with a B.S. in Sociology (Honors) and obtained an M.S. in the Administration of Justice in 1972 (summa cum laude). He graduated from the University of Iowa College of Law in 1975 and taught Criminal Justice at Western Illinois University 1975-1976. Mr. Clark commenced the solo private practice of law in 1976 and has served as Public Defender of Warren County (1976-1991) and Henderson County (1978-1990). His trial practice in eight rural counties in West Illinois is concentrated in the area of criminal defense.

Mr. Clark is admitted to the bars of the Illinois Supreme Court and the Supreme Court of the United States. Certified by the State of Illinois Capital Litigation Bar, he is Chairman of the Third Judicial District Capital Litigation Screening Committee, Panel 1. Mr. Clark has been trial counsel in 13 murder cases, of which 4 were capital cases. Mr. Clark enlisted in the United States Marine Corps (active duty: 1966-1968), served in the Republic of Vietnam, and attained the rank of Corporal. Mr. Clark served as President of the Warren County War Memorial Foundation (1996-1998) and has received Community Service Award - Monmouth (1995), Dad of the Year - University of Iowa (1999), and Citizen of the Year - Monmouth Area (2006). Mr. Clark has been a patriotic speaker in West Illinois for the last 25 years. He has served, and continues to serve, on numerous community boards and coaches girls' basketball.

**HONORABLE ABISHI C. CUNNINGHAM Jr.** (Retired) - Judge Cunningham brings decades of experience as a defense attorney, a prosecutor and a judge to the position. Prior to becoming the Cook County Public Defender, he served on the Cook County Circuit Court from 1986 to 2009 where he presided over thousands of bench trials and hundreds of jury trials in both criminal and civil cases. His last assignment was to the Law Division, where he presided over civil jury trials in areas that included personal injury/wrongful death, motor vehicle injury, medical malpractice, product liability, commercial litigation and breach of contract.



Judge Cunningham graduated from Fisk University in 1969 with a Bachelor of Science Degree and from Northwestern University School of Law in 1972. He served as legal advisor to the State Superintendent of Public Instruction from 1972-1973 when he left to join the Cook County State's Attorney's office as a felony trial assistant and then as Chief of the Vertical Prosecutions Unit. In 1976, Judge Cunningham joined the Criminal Defense Consortium of Cook County as a Supervising Attorney working out of the Lawndale office of the Consortium. The Consortium consisted of a network of five community-based law offices providing criminal defense services for indigent residents of the community accused in felony, misdemeanor and juvenile cases.

After a period in private practice as a litigator in criminal and civil defense, Judge Cunningham rejoined the Office of the Cook County State's Attorney, where he supervised 40 Assistant States Attorneys responsible for prosecuting all criminal misdemeanor and quasi-criminal cases in the City of Chicago, as well as advising the office on legislative issues. He left this position to join the bench in 1986.

Judge Cunningham was appointed by the Chief Judge to mentor newly appointed and elected judges, and is certified in Comprehensive mediation in the State of Illinois. His professional affiliations include membership in the American Bar Association, the National Bar Association, the Cook County Bar Association and the Chicago Bar Association, the Illinois Public Defender Association and the National Legal Aid and Defender Association. He has been an adjunct professor in the Political Science Department at the University of Illinois at Chicago, and was also an adjunct professor at the DePaul University School of Law and the John Marshall School of Law.

**GARY A. DOBBS** - Mr. Dobbs graduated from Northern Illinois University with a B.S. in Journalism in 1978 and received his J.D. from DePaul University in 1981. He practiced law in Chicago at Kaplan, Sorosky & Hoffman from 1981 until April of 1983, at which time he moved to Morris, Illinois and became a partner in the law firm of Adcock & Dobbs. In 1987 Mr. Dobbs opened the Law Office of Gary A. Dobbs. In addition to maintaining his solo practice, he became an Assistant Public Defender in Grundy County in 1993 and still maintains that position. He has taught Business Law at Joliet Junior College and has been a member of the American Bar Association, the Association of Trial Lawyers and the Illinois State Bar Association and is currently a member of the Grundy

County Bar Association. Mr. Dobbs was admitted to practice as an Attorney and Counselor in the Illinois Supreme Court in November 1981 and the Supreme Court of the United States of America in July 1995. He has served as past president of the Illinois Organ Transplant Fund and the Grundy County Bar Association.

**HONORABLE DAVID R. DONNERSBERGER** - (Commissioner until term expired in October 2012.) Judge Donnersberger is a retired Cook County Circuit Court Judge (Chancery Division). He is currently serving as the First Deputy General Counsel for the Chicago Park District. His major responsibility is the supervision of the Law Department's Litigation Team. He also oversees the recruitment and management of the law school extern-intern program.

Donnersberger is also a certified mediator/arbitrator. Prior to his service on the bench, Judge Donnersberger was an experienced trial attorney. He had extensive jury trial experience in criminal law as an Assistant State's Attorney and civil trial experience in private practice. Donnersberger also served for several years as an assistant professor with the City Colleges of Chicago.

He has a B.A. from St. Bonaventure University in Olean, New York and M.A. and J.D. degrees from DePaul University.

The Illinois Supreme Court has appointed Judge Donnersberger to the Judicial Evaluation Committee and also as a Commissioner to the Office of the State Appellate Defender.

**HONORABLE SCOTT D. DRAZEWSKI** - (Commissioner until term expired in June 2013.) Judge Drazewski currently sits in the 11<sup>th</sup> Judicial Circuit, where he has served since 1997. He is an adjunct instructor in the Department of Criminal Justice Sciences at Illinois State University. His bachelor's degree is from Illinois State University and Juris Doctorate from DePaul University. Prior to being elected as a Circuit Judge, he served as an assistant public defender, became a partner in a mid-size law firm, and was appointed as an associate judge. Although currently assigned to the Law Division, he has served as the McLean County Drug Court judge since its inception in August 2006. In addition to teaching several courses at Illinois State University on a continuous basis since

1990, he is a frequent lecturer at continuing legal education seminars for judges and attorneys. Judge Drazewski is an active member of both the McLean County and Illinois State Bar Associations, having served both associations in numerous capacities. He has also served as a member of the Illinois Supreme Court Committee on Child Custody (2002-present).

**HONORABLE CHARLES R. HARTMAN** - Judge Hartman graduated from DePaul Law School in 1970. He was an Assistant State's Attorney in Cook County from 1971-1980 where he was a supervisor of felony review for 4 years.

In November of 1980, he was elected State's Attorney of Stephenson County and was re-elected to this position for two additional terms. Judge Hartman was elected Circuit Judge of the Fifteenth Judicial Circuit in December, 1992. He retired on November 30, 2006.

**REBECCA JANOWITZ** - Ms. Janowitz graduated with a B.A. degree from the University of Sussex, Falmer, England in 1973. She received her J.D. degree from Loyola University Chicago in 1976. She served as a staff attorney for South Dakota Legal Services from 1977 to 1979, representing indigent Native Americans in federal, state and tribal court. She practiced law in Chicago as a partner in the firm of Pecquet and Janowitz from 1979 to 1995. From 1995 to 2011, she worked for City of Chicago, the Chicago Public Schools and finally, the Cook County Sheriff's Office. She focused increasingly on the role of education in reentry for people released from jails and prisons. In 2011, she joined the Cook County Justice Advisory Council as the Special Assistant for Legal Affairs. In 2008, she received a Masters degree from the Harris School of Public Policy at the University of Chicago.

**HONORABLE DENNIS MIDDENDORFF** - Judge Middendorff graduated from Loyola University of Chicago in 1977. He received his J.D. degree from DePaul University in 1980. He served as an Assistant State's Attorney of Clinton County from 1980-1984 and then as the State's Attorney of Clinton County from 1984 until September of 1991. From September 6, 1991, to November 30, 2010, he served as an Associate Circuit Judge in the Fourth Judicial Circuit. On December 1, 2010, Judge Middendorff was sworn in as the Resident Circuit Judge of Clinton County.

**THOMAS F. SULLIVAN, JR.** Mr. Sullivan graduated with a BA degree from Loras College, Dubuque, Iowa in 1969 (magna cum laude) and graduated from the University of Illinois School of Law in 1972.

He was a staff attorney with the State's Attorney's Association and the Illinois General Assembly and later was appointed staff attorney with the Office of the State Appellate Defender in Mount Vernon. He was an Assistant State's Attorney in Cook and Kane Counties (1977-1986) and then went into private practice with Callum Anderson & Deitsch; since 1992 he has been a sole practitioner in Wheaton.

Mr. Sullivan has been a Director with the DuPage County Bar Association for 9 years and a member of the ISBA Assembly for 3 terms. He participated as a member of the Illinois Children's Justice Task Force (1996-2005).

**HONORABLE MICHAEL P. TOOMIN** - Justice Toomin was named Presiding Judge of the Juvenile Justice Division of the Cook County Circuit Court in December 2010 after completion of a two-year assignment with the First District Appellate Court. Following his service in the United States Marine Corps (1956-58), Justice Toomin received a B.A. in 1962 from Northwestern University and his J.D. from DePaul University College of Law in 1967. He began his career in the Cook County Public Defender's Office as a felony trial assistant and later entered private practice concentrating in the defense of criminal cases in federal and state courts. Toomin was appointed an associate judge of the Circuit Court of Cook County in 1980 and was elected a circuit judge in 1984. In 1994, he was appointed a supervising judge in the Criminal Division, and in 2000 he was named acting Presiding Judge of the Criminal Division. In his judicial career, Justice Toomin handled some 630 murder cases and presided over more than 400 jury trials.

Justice Toomin served as the chair of the Special Supreme Court Committee on Capital Cases from 2001 until he resigned his position in November 2010. He formerly served as a commissioner of the CLEAR Initiative, which was created to reform and review the Illinois Criminal Code. He previously served as the chair of the Committee on Criminal Law and Probation Administration of the Illinois Judicial Conference, as vice-chair of the Cook County Criminal Justice Coordinating Council and the chair of the Chicago Bar Association's Defense of Prisoners Criminal Law Committees. Toomin was also a member of the Illinois Senate Criminal Justice System Task Force. From 1983 to 2000, Justice Toomin served as an adjunct professor at Northwestern University School of Law in the area of litigation and trial practice. He is an active participant in the training and continuing legal education of judges and attorneys throughout the State.

[Top](#)

**VI.**

**STATISTICS**

**FOR**

**FISCAL YEAR-2013**

[Top](#)

Office of the State Appellate Defender  
Agency Activity Statistics

For The Period Of : 7/1/2012 To 6/30/2013

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	PA	TOTAL
<b><u>APPOINTMENTS</u></b>	1516	521	461	525	222	0	3245
<b><u>LATE NOTICES</u></b>							
Filed	107	40	12	186	14	0	359
Granted	107	34	12	172	13	0	338
<b><u>BRIEF &amp; PETITIONS</u></b>							
Appellate Court Briefs	915	225	132	258	112	3	1645
Reply Brief	751	185	105	180	84	6	1311
Supplemental Briefs	21	0	1	4	7	0	33
Petition For Rehearing	145	18	13	14	14	2	206
Petition Leave to Appeal	278	39	18	60	20	4	419
ISC Court Briefs	9	2	3	2	1	0	17
Reply Briefs	13	1	2	4	0	0	20
Supplemental Briefs	1	0	0	0	0	0	1
Petition For Rehearing	4	0	2	1	0	0	7
7th Cir. Court Briefs	4	0	0	0	0	0	4
7th Cir. Reply Briefs	3	0	0	0	0	0	3
Certiorari Petitions	7	1	0	2	2	0	12
U.S. Supreme Court Briefs	0	0	0	0	0	0	0
Reply Briefs	0	0	0	0	0	0	0
Supplemental Briefs	0	0	0	0	0	0	0
Petition For Rehearing	0	0	0	0	0	0	0
Other Federal Briefs	3	0	0	0	0	0	3
<b><u>ANDERS BRIEFS</u></b>							
Filed	222	78	58	62	19	0	439
Denied	0	2	0	1	1	0	4
<b><u>MOTIONS TO WITHDRAW</u></b>							
Filed	49	17	14	20	7	0	107
Denied	0	0	0	0	0	0	0
<b><u>MOTIONS TO DISMISS</u></b>							
Filed	181	41	55	106	22	1	406
Denied	2	1	0	0	0	0	3
<b><u>SUMMARY MOTIONS</u></b>	112	62	31	81	23	0	309
<b><u>ORAL ARGUMENTS</u></b>							
Appellate Court	77	54	20	19	37	6	213
ISC Court	16	2	3	5	1	0	27
7th Circuit Court	3	0	0	0	0	0	3
U.S. Supreme Court	0	0	0	0	0	0	0
<b><u>BOND MOTIONS</u></b>							
Filed	2	0	0	3	1	0	6
Allowed	1	0	0	0	1	0	2
<b><u>CLOSED CASES</u></b>	1491	452	313	539	216	33	3044

Office of the State Appellate Defender  
Agency Activity Statistics

For The Period Of : 7/1/2012 To 6/30/2013

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	PA	TOTAL
<b><u>RECORDS FILED</u></b>							
Jury Trial	229	102	109	99	55	0	594
Guilty Plea	66	97	68	92	48	0	371
Bench Trial	412	73	72	23	11	0	591
Collateral Attack	410	130	125	169	70	0	904
State Appeal	3	11	2	6	1	0	23
Probation Revocation	9	6	16	49	5	0	85
Juvenile	35	12	10	13	2	0	72
Remands	19	4	6	2	1	0	32
State Habeas	0	1	0	0	1	0	2
Miscellaneous	4	21	18	16	9	0	68
<b>TOTAL:</b>	<b>1187</b>	<b>457</b>	<b>426</b>	<b>469</b>	<b>203</b>	<b>0</b>	<b>2285</b>
<b><u>OPINIONS</u></b>							
Affirmed	472	128	56	133	96	26	911
Reversed	7	7	0	6	5	3	28
Remanded	26	23	21	87	8	0	165
Sentence Reduction	0	2	28	0	1	0	31
Reversed/Remanded	70	19	17	24	14	1	145
Reversed in Part	8	6	1	3	1	0	19
Remanded in Part	31	3	5	9	2	0	50
Anders/Motion to W/D	456	97	138	179	39	5	914
Vacated	16	4	3	3	13	1	40
Vac. In Part	256	79	10	14	5	3	367
Rem/Sent. Only	7	1	0	54	2	0	64
Misc. Withdraws	49	18	0	7	30	0	104
<b>TOTAL:</b>	<b>1398</b>	<b>387</b>	<b>279</b>	<b>519</b>	<b>216</b>	<b>39</b>	<b>2838</b>
<b><u>OPINIONS (State Appeal)</u></b>							
Affirmed	2	7	3	4	0	0	16
Reversed	1	0	0	3	0	0	4
Remanded	0	2	1	0	0	0	3
Sentence Reduction	0	0	0	0	0	0	0
Reversed/Remanded	1	7	8	0	2	0	18
Reversed in Part	0	0	0	0	0	0	0
Remanded in Part	0	0	0	0	0	0	0
Anders/Motion to W/D	0	0	0	1	0	0	1
Vacated	0	0	0	0	0	0	0
Vac. In Part	0	0	0	0	0	0	0
Rem/Sent. Only	0	0	0	0	0	0	0
Misc. Withdraws	0	0	0	0	0	0	0
<b>TOTAL:</b>	<b>4</b>	<b>16</b>	<b>12</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>42</b>

**Office of the State Appellate Defender**  
**Caseload Information**  
**Statistics for Fiscal Year 2013**

	<u>Agency Offices</u>						
	1st	2nd	3rd	4th	5th	PA	Total
Ending FY 2012 Cases Pending	2659	647	455	713	356	25	4855
Ending FY 2013 Appointments	1516	521	461	525	222	0	3245
Incoming Transfers	137	43	0	39	45	0	264
Closed Case	(1491)	(452)	(313)	(539)	(216)	(33)	(3044)
Outgoing Transfers	(25)	(49)	(101)	(48)	(41)	0	(264)
Adjustment for Reopened Cases	1	0	0	0	0	19 *	20
Total Cases Pending	2797	710	502	690	366	11	5076

**Decisions Information**

AC Decisions	1430	437	314	528	226	39	2974
AC Relief Granted	423	150	88	204	52	8	925
AC Percent Relief	29.6 %	34.3 %	28.0 %	38.6 %	23.0 %	20.5 %	31.1 %
Petitions for Leave to Appeal Granted	2	2	0	1	0	0	5
SC Decisions	15	4	5	5	1	0	30
SC Relief Granted	5	1	0	3	0	0	9
SC Percent Relief	33.3 %	25.0 %	00.0 %	60.0 %	00.0 %		30.0 %

\*These cases were inadvertently not accounted for during fiscal year 2012 as being transferred from our 2nd district office to the panel attorney program.



**Office of the State Appellate Defender**  
**Type of Appeals**  
**FY 2013**

For The Period Of : 7/1/2012 To 6/30/2013

Appeal Type	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	SCU	TOTAL
Jury Trial	250	115	99	109	61	0	634
Guilty Plea	73	117	77	107	52	0	426
Bench Trial	565	80	74	28	12	0	759
Collateral Attack	573	150	136	175	75	0	1109
State Appeal	2	10	4	7	2	0	25
Probation Revocation	10	6	16	51	7	0	90
Juvenile	21	14	14	9	0	0	58
Remands	18	3	13	2	1	0	37
State Habeas	0	0	2	0	1	0	3
Miscellaneous	4	26	26	37	11	0	104

<b>TOTALS:</b>	<b>1516</b>	<b>521</b>	<b>461</b>	<b>525</b>	<b>222</b>	<b>0</b>	<b>3245</b>
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Office of the State Appellate Defender  
Appointments By County  
FY 2013  
**Total Appointments: 3245**

<b>Appellate Court District</b>	<b>Total Appointments By AC District</b>	<b>County Name</b>	<b>Total Appointments By County</b>
<b>1</b>	<b>1516</b>		
		Cook	1516
<b>2</b>	<b>521</b>		
		Boone	9
		Carroll	4
		DeKalb	24
		DuPage	104
		JoDaviess	2
		Kane	109
		Kendall	19
		Lake	96
		Lee	7
		McHenry	18
		Ogle	6
		Stephenson	18
		Winnebago	105
<b>3</b>	<b>461</b>		
		Bureau	4
		Fulton	3
		Grundy	5
		Henry	16
		Iroquois	5
		Kankakee	40
		Knox	22
		LaSalle	33
		Marshall	1
		McDonough	5
		Mercer	5
		Peoria	101
		Rock Island	34
		Stark	1
		Tazewell	29
		Whiteside	19
		Will	138

Office of the State Appellate Defender  
Appointments By County  
FY 2013

**Total Appointments: 3245**

Appellate Court District	Total Appointments By AC District	County Name	Total Appointments By County
4	525	Adams	28
		Brown	1
		Cass	1
		Champaign	126
		Clark	1
		Coles	16
		Douglas	4
		Edgar	1
		Ford	2
		Greene	1
		Jersey	1
		Livingston	49
		Logan	4
		Macon	73
		Macoupin	3
		Mason	1
		McLean	93
		Morgan	6
		Moultrie	3
		Piatt	1
		Pike	8
		Sangamon	56
		Vermilion	33
		Woodford	13
5	222	Bond	1
		Christian	5
		Clay	1
		Clinton	8
		Crawford	2
		Effingham	2
		Fayette	6
		Franklin	3
		Hamilton	2
		Hardin	1

Office of the State Appellate Defender  
 Appointments By County  
 FY 2013  
**Total Appointments: 3245**

Appellate Court District	Total Appointments By AC District	County Name	Total Appointments By County
5	222		
		Jackson	17
		Jasper	1
		Jefferson	6
		Johnson	3
		Lawrence	1
		Madison	38
		Marion	20
		Massac	8
		Monroe	2
		Montgomery	2
		Perry	4
		Randolph	2
		Richland	3
		Saline	11
		Shelby	2
		St. Clair	54
		Washington	1
		Wayne	1
		White	1
		Williamson	14

[Top](#)